

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

BID FOR POSITION, LLC,

Plaintiff,

v.

AOL LLC and GOOGLE INC.,

Defendants.

CASE NO. 2:07-cv-582 JBF/TEM

REDACTED
PUBLIC VERSION

**REPLY MEMORANDUM IN SUPPORT OF DEFENDANTS GOOGLE AND AOL'S
MOTION FOR SUMMARY JUDGMENT OF NONINFRINGEMENT
OF U.S. PATENT NO. 7,225,151**

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NOTE ON CITATIONS

Citations to Plaintiff Bid For Position, LLC's Opposition to Defendants' Motion for Summary Judgment of Non-infringement are listed as "Opp."

Citations to Defendants Google and AOL's Memorandum in Support of Their Motion for Summary Judgment of Noninfringement of U.S. Patent No. 7,225,151 are listed as "Mem."

The patent-in-suit, U.S. Patent No. 7,225,151, is attached to the Declaration of Emily O'Brien ("O'Brien Decl.") as Exhibit 1. U.S. Patent No. 6,269,361 is attached to the O'Brien Decl. as Exhibit 2. References to the patents are indicated by column and line number, or by claim number. A reference to "3:15" means column 3, line 15.

Excerpts from the deposition transcript of the May 7, 2008 deposition of inventor Brad Konia are attached to the O'Brien Decl. as Exhibit 3. Citations to transcripts are indicated by page and line number.

The Initial Expert Report by Don Turnbull, PhD on Infringement of U.S. Patent No. 7,225,151 dated June 10, 2008 is attached to the O'Brien Decl. as Exhibit 4. Citations to the report are listed as "Turnbull Initial Report."

Excerpts from the deposition transcript of the July 23, 2008 deposition of Plaintiff under Fed. R. Civ. Pro. 30(b)(6) by deponent Brad Konia are attached to the Declaration of Emily O'Brien in Support of Defendants' Reply ("O'Brien Reply Decl.") as Exhibit 1.

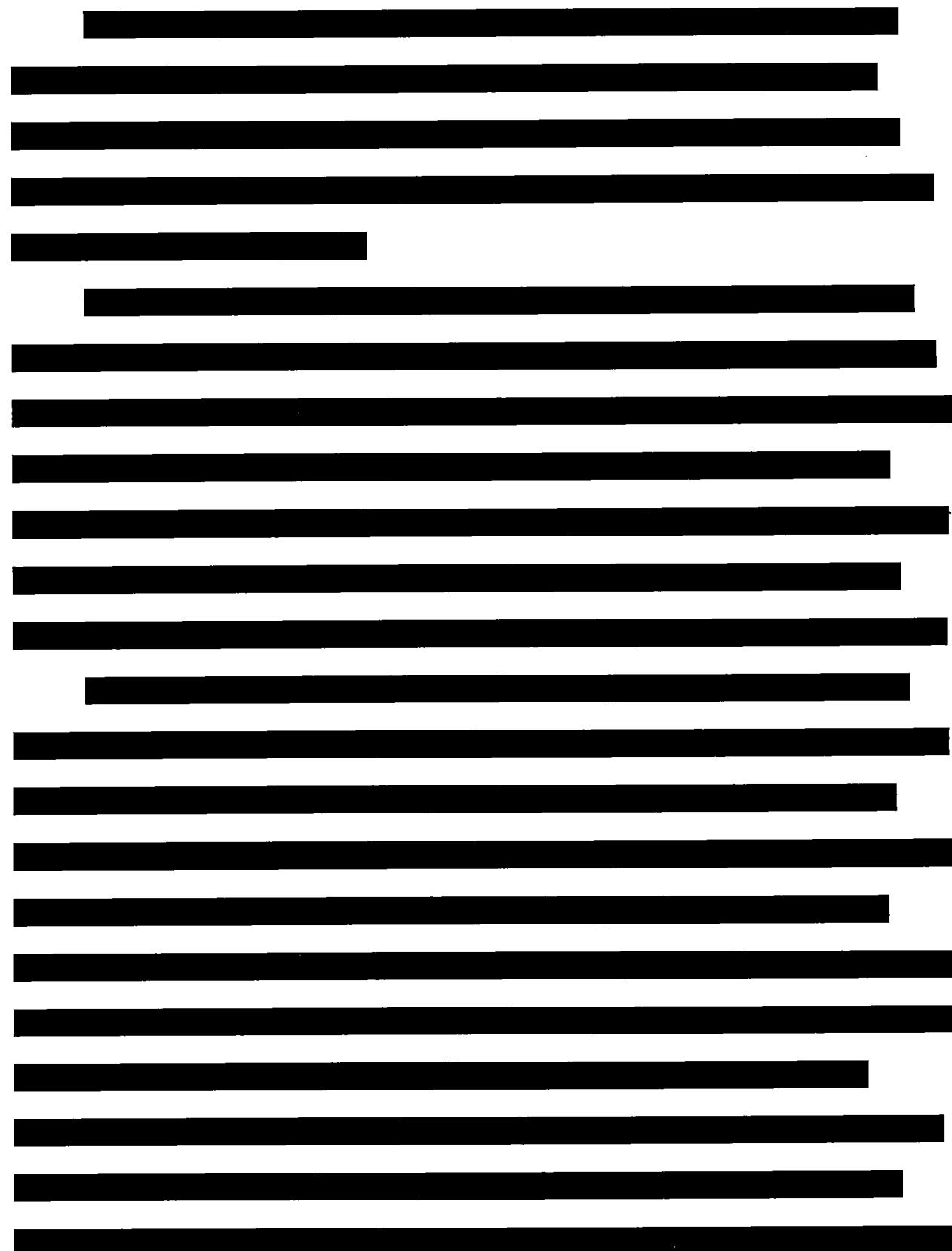
Excerpts from the deposition transcript of the July 23, 2008 deposition of Defendant Google under Fed. R. Civ. Pro. 30(b)(6) by deponent Daniel Wright are attached to the O'Brien Reply Decl. as Exhibit 2.

Excerpts from the deposition transcript of the May 8, 2008 deposition of Clayton W. Bavor, Jr. are attached to the O'Brien Reply Decl. as Exhibit 3.

Excerpts from the deposition transcript of the August 1, 2008 deposition of Donald Ray Turnbull are attached to the O'Brien Reply Decl. as Exhibit 4.

The other document cited herein is attached to the Declaration of Clayton W. Bavor, Jr. ("Bavor Decl.") as Exhibit 1.

I. **SUMMARY OF ARGUMENTS**



A series of horizontal black bars of varying lengths, likely a redacted list of names or a visual representation of data. The bars are arranged vertically and have irregular, jagged ends, suggesting they are cut-off fragments of a larger list. The lengths of the bars vary significantly, with some being very short and others extending almost to the bottom of the frame.

A series of 15 horizontal black bars of varying lengths, arranged vertically. The bars are of equal height in the first 14 positions, and the 15th bar is significantly shorter, creating a visual effect of a list being truncated or a sequence being broken.

(footnote continued)

A large black rectangular redaction box covers the majority of the page content, starting below the header and ending above the footer. The redaction is approximately 85% of the page width and 80% of the page height.

A large black rectangular redaction box covers the top portion of the page. Below this, there are several horizontal black bars of varying lengths, each redacting a block of text. The bars are positioned at regular intervals, creating a pattern of redacted sections.

A series of horizontal black bars of varying lengths, with a few white spaces and a small white square at the bottom right.

A series of 15 horizontal black bars of varying lengths, decreasing in size from top to bottom. The bars are evenly spaced and extend across the width of the frame.

10. *What is the best way to increase the number of people who use a bicycle for transportation?*

(footnote continued)

A large black rectangular redaction box covers the bottom half of the page. Above this box, there is a thin black horizontal line. The rest of the page is white with no other content.

CONCLUSION

For the foregoing reasons, this Court should grant Defendants' motion for summary judgment of non-infringement of the '151 Patent.

August 11, 2008

Respectfully submitted,

/s/

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I hereby certify that on August 11, 2008, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

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